

**REMARKS**

Reconsideration and allowance of the subject application are respectfully requested.

Claims 1, 5-11, and 13 stand rejected under 35 U.S.C. §102(e) as being anticipated by U.S. Patent Publication 2002/0122406 to Chillariga et al. This rejection is respectfully traversed.

To establish that a claim is anticipated, the Examiner must point out where each and every limitation in the claim is found in a single prior art reference. *Scripps Clinic & Research Found. v. Genentec, Inc.*, 927 F.2d 1565 (Fed. Cir. 1991). Every limitation contained in the claims must be present in the reference, and if even one limitation is missing from the reference, then it does not anticipate the claim. *Kloster Speedsteel AB v. Crucible, Inc.*, 793 F.2d 1565 (Fed. Cir. 1986). Chillariga fails to satisfy this rigorous standard.

The present invention optimizes network planning of a mobile telecommunication network by using a particular configuration of point-to-point (PTP) and point-to-multipoint (PTMP) microwave links in the transport network and by utilizing the frequency capacity within the network efficiently. In the network planning phase, the operator optimizes the transport network links from the base stations (BS) to the base station controller (BSC) and the radio network controller (RNC). These links are often fixed wireless microwave links due to their lower cost and speed of installation.

Traffic data, i.e., number of calls, are collected for each base station (BS) and forwarded to the BSC/RNC hub sites. Depending on the anticipated traffic levels (or from testing), the operator plans a capacity for each BS, e.g., 2, 4, or 5 Mbits/sec, and decides whether to allocate a dedicated microwave link to the BS. Typically, a PTMP link is allocated when there is a line-of-sight situation between the hub site and a number of BS sites. This arrangement allows

frequency multiplexing for a more efficient distribution of bandwidth between the base stations, and thereby, improves the network's efficiency.

However, when a BS generates an amount of traffic that approaches the capacity available in the PTMP system, it becomes more efficient to use a PTP link for that connection. Furthermore, if there is no direct line-of-sight between a set of hub sites a combination of PTMP and PTP microwave links can be used. The inventors recognized that a combination of microwave links could be used so that calls requiring higher capacity utilize the same spectrum. See the example "wideband channel"<sup>1</sup> within the PTMP frequency block illustrated at Figure 6 and described at page 10, lines 9-14. All of this is transparent to the mobile terminal because the air interface traffic remains unchanged.

In contrast, Chillariga relates primarily to optimizing the RF communications between the mobile terminal and the BS as described beginning on paragraph 36. Chillariga does not relate to configuring the transport network between the BSC and the BS. Nor is there any teaching of the use of a wideband channel within the transport network PTMP frequency block.

The Examiner relies on paragraph 105 of Chillariga as allegedly teaching the claimed frequency reuse for the mobile network infrastructure. But this paragraph describes fast macrodiversity switching, power control, frequency hopping, smart antennas, and repeaters. These features relate to the radio/air interface and not to the transport network interface between the BTSs and BSC. See, e.g., the "fast macrodiversity switching makes it possible to reduce the MS and the BTS transmitter power levels." The MS refers to the mobile radio station 4. The

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<sup>1</sup> The term "wideband channel" does not refer to a "wideband channel" over the air interface in a WCDMA system between a mobile and a BS.

Examiner also refers to paragraph 36, which again describes wireless communications between mobile and base stations over the air interface.

Because Chillariga is concerned with fast macrodiversity switching, a function that is specifically directed to communications over the radio/air interface, it is not surprising that Chillariga fails to disclose, for example, "allocating a combination of point-to-point links and point-to-multipoint links for the transport network [in which the communication interface is between the BSC and the RBSs] based on the traffic capacity associated with the radio base stations." (quoted from claim 1). Lacking features recited in the independent claims, the anticipation rejection based on Chillariga is improper and should be withdrawn.

The remaining claims stand rejected under 35 U.S.C. §103 as being unpatentable over Chillariga in view of U.S. Patent Publication 2002/0145988 to Dahlman et al. This rejection is respectfully traversed.

As a procedural matter, the Dahlman patent is not prior art under 35 U.S.C. §102(e)/§103(c). Specifically, the subject matter of the Dahlman publication and the claimed invention in the instant application, were at the time the invention was made, owned by Telefonaktiebolaget L M Ericsson (publ) or were subject to an obligation of assignment to Telefonaktiebolaget L M Ericsson (publ). Accordingly, Dahlman is not prior art.

But even assuming Dahlman is prior art, Dahlman does not remedy deficiencies of Chillariga. The Examiner cited Dahlman as teaching a frequency reuse of one using a single wideband channel that relates to a CDMA based system. As explained above, the term "wideband channel" used in the context of CDMA systems is not the same as the "wideband channel" within the PTMP frequency band in the transport network between the BSC and RBSs. Therefore, the cited combination is inappropriate and should be withdrawn.


NASCIMBENE et al.  
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The application is now in condition for allowance. An early notice to that effect is earnestly solicited.

Respectfully submitted,

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By:

A handwritten signature in black ink, appearing to read "John R. Lastova", is written over a horizontal line.

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